

Before the Board of Zoning Adjustment, D. C.

Application No. 11655, of Francis E. Meloy, Jr., pursuant to Section 8207.1 of the Zoning Regulations for a variance to permit an addition to the rear of the third floor of a non-conforming structure containing a non-conforming use and a variance from the open court requirements of the R-3 zone as provided by Section 8207.11 of the Zoning Regulations at 3044 N Street, N. W., Lot 29, Square 1209.

ORDERED:

That the above application be DENIED.

VOTE: 5-0

HEARING DATE: June 19, 1974

EXECUTIVE SESSION: June 25, 1974

FINDINGS OF FACT:

1. The subject property is located in the R-3 zone and is used as an apartment building, which is a non-conforming use in the R-3 zone.

2. The subject property is connected on one side by party walls with an abutting structure.

3. The structure located on the subject lot has an open court having width of two(2) feet, whereas, Section 3306.1 provides that an open court be 16.14 feet wide. The applicant therefore requests a variance of 14.14 feet from the open court requirements.

4. The structure located on the subject lot has three (3) stories and contains seven (7) units.

5. The minimum lot occupancy allowed in the R-3 zone is 40% or 1680 square feet of the subject lot. The existing structure on the subject lot is 2,648.71 square feet.

6. The applicant proposes to construct an addition atop the rear of second story of the existing structure which is now used as a deck.

7. The purpose of the proposed addition is to create additional living room space for the third floor unit which is located to the front of the existing rear second floor - roof deck upon which the proposed addition would be constructed.

8. Mrs. Harold B. Hinton, Representative of the Georgetown Citizens Association, testified, and the Board finds that the applicant has not presented facts indicating the existence of a hardship which is necessary for the Board to use as a basis for granting a variance.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, the Board concludes that the applicant has not carried his burden of proving the existence of a hardship related to the property or the owner of such property as a result of strict application of the Zoning Regulation as required by Section 8207.11 of the Zoning Regulations. Because the existing structure is non-conforming, (occupies more than 40% of the subject lot), and the use of the structure is non-conforming (an apartment use (seven units) located in the R-3 zone which is restricted to single family use), the Board concludes that the increase of the density by reason of a variance permitting the proposed addition, if granted, would be detrimental to the public good and substantially impair the meaning and intent of the Zoning Regulations and Map.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By: James E. Miller  
JAMES E. MILLER  
Secretary to the Board

FINAL DATE OF ORDER: 7/30/74